

## Azerbaijan

Azerbaijan is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically conditions of forced labor and women and children in forced prostitution. Men and boys from Azerbaijan are subjected to conditions of forced labor in Russia. Women and children from Azerbaijan are subjected to forced prostitution in the UAE, Turkey, Russia, and Iran. Men from Azerbaijan are trafficked within Azerbaijan for the purpose of forced labor and women and children are trafficked internally for forced prostitution and forced labor, including forced begging. Azerbaijan serves as a transit country for women from Moldova, Uzbekistan, and Kazakhstan subjected to forced prostitution in Turkey and the UAE. The Azerbaijani exclave of Nakhchivan serves as a transit point for women trafficked to Turkey for forced prostitution. Azerbaijan is a destination country for women from Ukraine, Moldova, Uzbekistan, Kazakhstan, and Russia subjected to forced prostitution. Azerbaijan is also a destination country for men and women from Bosnia and Herzegovina, Serbia, Macedonia, and China subjected to conditions of forced labor, primarily in the construction industry.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall efforts, the government demonstrated exceptionally inadequate efforts to identify and assist a significant number of victims of forced labor and did not show evidence of progress in investigating, prosecuting, convicting, and punishing complicit officials; therefore, Azerbaijan is placed on Tier 2 Watch List for the third consecutive year. Although the government adopted a national referral mechanism for victims of trafficking in August 2009 and approved a list of trafficking indicators in September 2009 to aid in victim identification, the government did not use these tools to identify and assist the approximately 496 victims associated with a case discovered in October 2009 in which men from Eastern Europe were held in forced labor in the construction industry. The government failed to identify any victims in this case, despite evidence that led others in the international community to determine this was a labor trafficking case, warranting the allocation of emergency funding for victim assistance. Although the government reported allocating \$625,000 for victim assistance in 2009, none of this money was used to assist these victims of forced labor; as a result, the international community allocated its own funding to provide emergency assistance, including food and potable water, to several hundred victims.

Recommendations for Azerbaijan: Improve efforts to identify victims of forced labor; ensure identified victims of forced labor are provided access to government funded victim assistance by vigorously implementing the national victim referral mechanism; demonstrate and report efforts to vigorously investigate, prosecute, convict, and criminally punish government officials, including regional police officers, complicit in both sex and labor trafficking; provide initial assistance to domestic victims without requiring them to file a formal complaint with police; provide more victim identification and victim sensitivity training to low-level law enforcement officials; continue efforts to raise public awareness about both sex and labor trafficking; and demonstrate efforts to inspect construction sites for potential victims of forced labor.

## Prosecution

The Government of Azerbaijan's modest law enforcement improvements were overshadowed by its lack of political will to prosecute high-level organized crime and address allegations of government complicity in trafficking, including a case that identified more than 700 victims of forced labor in the fall of 2009. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits both forced prostitution and forced labor, and prescribes penalties of 5 to 15 years, imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2009, the government reported conducting 80 trafficking investigations) including 3 forced labor investigations, compared with 66 investigations in 2008. Authorities prosecuted 76 trafficking cases, up from 61 trafficking prosecutions in 2008. The government convicted 62 trafficking offenders though February 2010, compared with 61 individuals convicted in 2008. Twenty-eight convicted offenders were issued sentences ranging from one to five years, imprisonment, 15 offenders were issued sentences ranging from 5 to 10 years, imprisonment, one trafficker was sentenced to forced labor, and 18 persons were issued a suspended sentence and served no time in prison.

There were some reports that government officials were complicit in trafficking cases. The Ministry of Internal

Affairs stated that it investigated all allegations of complicity in human trafficking but was unable to provide any

data on these investigations. During the reporting period, the government did not prosecute, convict, or criminally

punish any government officials for complicity in human trafficking, including forced labor. In the case involving

Bosnian and Serbian citizens subjected to conditions of forced labor, investigators did not prevent the traffickers

from unilaterally sending approximately 496 victim-witnesses home during the preliminary stages of the investigation, and to date no charges have been filed by the government in this case. There were continued reports that police officers controlled many saunas, motels, and massage parlors where forced prostitution occurred, however the government again failed to vigorously investigate, prosecute, convict, and criminally punish these officials.

## Protection

The Government of Azerbaijan made limited progress to assist some victims during the reporting period; however, these efforts were overshadowed by the government's lack of assistance to hundreds of victims of forced labor. In August 2009, the government adopted a national referral mechanism for victims of trafficking and approved a list of trafficking indicators in September 2009 to aid in law enforcement officials, identification of victims; however, the government did not use these tools to identify and assist approximately 496 victims associated with one labor

trafficking case discovered in October 2009. Coordination among government agencies assigned to combat trafficking and assist victims reportedly improved and all agencies assigned a dedicated point of contact responsible for coordinating with other agencies to combat trafficking. In 2009, NGOs and law enforcement identified at least 920 victims) including 220 victims identified by law enforcement) compared with 121 victims identified by NGOs and law enforcement in 2008. The government funded one trafficking shelter that assisted

48 of these victims, down from 55 victims assisted in 2008. None of the victims provided with government-funded shelter or assistance were victims of forced labor. The government demonstrated important progress in October 2009 when it dedicated space in its trafficking shelter to assist child victims of trafficking; four children were assisted at the facility during the reporting period. In March 2009, the government also opened an assistance center that provided vocational training and job placement services for victims of trafficking to help break the cycle of exploitation. This Center provided assistance to 31 victims during the reporting period.

Law enforcement referred 48 victims to the government-funded shelter in 2009, compared with 52 victims referred in 2008. The government reported that it encouraged victims to participate in investigations and prosecutions of trafficking offenders. Law enforcement reported that 91 victims identified by authorities assisted law enforcement during the reporting period. During the previous reporting period, victims claimed that some corrupt police officers discouraged them from filing criminal complaints through threats of physical violence. The law allows identified foreign victims of trafficking who cooperate with law enforcement to remain in Azerbaijan until the completion of their court case; however, none of the 496 victims of forced labor identified by the international community in October 2009 were encouraged to assist law enforcement or permitted to remain in the country pending a criminal investigation and prosecution of the case. Furthermore, the government failed to ensure the traffickers in this case returned the passports to the victims and also failed to prevent the traffickers from forcibly, systematically removing the victim witnesses from the country, thereby hiding evidence of the crime. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, there were some reported concerns that some of the women arrested during prostitution raids conducted by law enforcement may not have been screened as potential victims of trafficking and may have been punished for unlawful acts committed as a result of being trafficked, namely prostitution violations.

## Prevention

The government demonstrated some trafficking prevention efforts during the reporting period, largely through public awareness measures. The government conducted anti-trafficking seminars in 58 cities and regions throughout the country, targeted primarily at students and government employees. The government continued its general trafficking-awareness campaign, advertising on television and on the radio. It continued to fund an NGO-operated trafficking hotline that served to provide information to the public and identify potential victims of trafficking. The government did not, however, conduct a public awareness campaign to reduce the demand for commercial sex acts. The government formed partnerships with some anti-trafficking NGOs, however it avoided cooperation with NGOs critical of the government's efforts to combat human trafficking.